

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)**

HANS HANSEN

*

Plaintiff

*

v.

*

Civil Action No. _____

ORMAZABAL CURRENT, LLC

*

*

Defendant

*

* * * * *

NOTICE OF REMOVAL

Defendant, Ormazabal Current, LLC (“Defendant” or “Current”), by its undersigned counsel and pursuant to 28 U.S.C §§ 1332, 1441, and 1446, hereby removes this action filed as *Hans Hansen v. Ormazabal Current, LLC* in the Circuit Court for Montgomery County, Maryland, as Case No. 389191V , from the Circuit Court for Montgomery County, Maryland to the United States District Court for the District of Maryland, and as grounds for said removal state as follows:

1. Han Hansen (“Plaintiff” or “Hansen”) filed a Complaint on or about March 28, 2014 (“Complaint”) in the Circuit Court for Montgomery County, Maryland naming Current, as the sole Defendant. Copies of the Complaint with Case Information Report, the Writ of Summons for Ormazabal Current, LLC, the Demand for Jury Trial, the Notice of a New Case Number for Current and the Scheduling Order for Current are attached as **Exhibits 1 - 6**.

2. Current is a limited liability company organized under the laws of the State of Delaware.

I. JURISDICTIONAL BASIS FOR REMOVAL

3. Jurisdiction over this removed action exists pursuant to 28 U.S.C. § 1441, because this action could have been filed in the United States District Court pursuant to 28 U.S.C. § 1332(a). The United States District Court has subject matter jurisdiction over this action because the requisite diversity of citizenship between Plaintiff and Defendant exists and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

A. Diversity of Citizenship

4. Plaintiff states that he is “an adult resident of Montgomery County, Maryland.” *See* Complaint ¶1. Upon information and belief, Plaintiff is, and at the time of filing the action was, a citizen of Maryland.

5. Current is a limited liability company, whose sole member is Ormazabal Current, S.L.U.¹

6. Ormazabal Current, S.L.U. is incorporated in Bikaia, Spain and its principal place of business is located in Madrid, Spain. In addition, all ownership of Ormazabal Current, S.L.U. is limited to Spanish business entities or individual Spanish citizens, none of whom are permanent residents of the United States.

7. It is well established that, for purposes of federal jurisdictional diversity of citizenship, a limited liability company is not a corporation, and is not considered a citizen of its state of organization and principal place of business, but instead shares the citizenship of its members. *See Gen. Tech. Applications, Inc. v. Exro Ltda.*, 388 F.3d 114, 120 (4th Cir.2004) (holding that a Virginia limited liability company shared the citizenship of its members) *see also, Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079–80 (5th

¹ A “S.L.U.” business entity in Spain – “Sociedad Limitada Unipersonal” – denotes a limited liability company that has only one shareholder.

Cir.2008) (noting that although there is no U.S. Supreme Court decision directly on point, “[a]ll federal appellate courts that have addressed the issue have reached the same conclusion: like limited partnerships and other unincorporated associations or entities, the citizenship of a LLC is determined by the citizenship of all of its members.”)

8. Since Oramazabal Current, S.L.U., as the sole member of Current, is incorporated in Spain and has its principal place of business in Spain for purposes of § 1332(c)(1), and alternatively, since the ownership of Oramazabal Current, S.L.U. is limited to Spanish business entities or individual Spanish citizens, none of whom are permanent residents of the United States, complete diversity exists. Thus, the case between Plaintiff and Defendant involves “[a] citizen[] of a State and citizens or subjects of a foreign state.” 28 U.S.C. § 1332(a)(2).

B. Amount in Controversy

9. Plaintiff seeks damages of One Hundred Twenty-Six Thousand Two Hundred Seventy-Six Dollars and Thirty Cents (\$126,276.30). *See* Complaint, ¶ 34.

10. Because Plaintiff seeks relief in excess of \$75,000 against Defendant, the requisite amount in controversy for federal diversity jurisdiction is satisfied.

II. PROCEDURAL REQUIREMENTS FOR REMOVAL

11. Plaintiff served his Summons and Complaint on Defendant on April 7, 2014.

12. Thirty days have not elapsed since the date on which Defendant was served.

13. Defendant has attached to this Notice all process, pleadings and orders served upon Defendant in this action to date. *See Exhibit Nos. 1 – 6*. No other proceedings have occurred in this action.

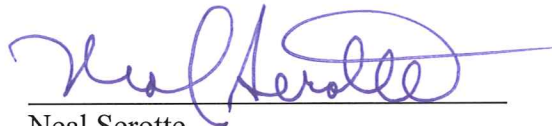
14. As required by 28 U.S.C. § 1441(a), this civil action is being removed “to the district court of the United States for the district and division embracing the place where such

action is pending.” The United States District Court for the District of Maryland, Southern Division, embraces Montgomery County, Maryland. *See* 28 U.S.C. § 100(1).

15. Promptly upon filing of this Notice of Removal, Defendant will file a copy of this Notice of Removal with the Clerk for the Circuit Court of Montgomery County, Maryland, and will provide written notice thereof to the Plaintiff, in accordance with 28 U.S.C. §1446(d).

Date: May 6, 2014

Respectfully submitted,



Neal Serotte
Federal Bar No. 09833
E-mail: nserotte@srwlaborlaw.com




Christopher M. Feldenzer
Federal Bar No. 22633
E-mail: cfeldenzer@srwlaborlaw.com

Serotte, Rockman & Wescott, P.A.
409 Washington Avenue, Suite 610
Towson, MD 21204-4903
Phone: (410) 825-7900;
Fax: (410) 825-7913

Attorneys for Ormazabal Current, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Removal and exhibits were served on this 6th day of May 6, 2014 by U.S. Priority Mail, postage prepaid to Dennis M Ettlin, Attorney for Plaintiff Hans Hansen, 260 East Jefferson Street, Rockville, Maryland 20850.


Christopher M. Feldenzer